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071212Z Sep 05

ACTION AF-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	DS-00	EB-00	UTED-00	H-00	TEDE-00	INR-00	IO-00
	LAB-01	L-00	NSAE-00	OIC-00	PA-00	GIWI-00	PRS-00
	P-00	SP-00	SSO-00	SS-00	STR-00	TRSE-00	FMP-00
	DSCC-00	PRM-00	DRL-00	G-00	SAS-00	SWCI-00	/001W

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FM AMEMBASSY GABORONE
TO SECSTATE WASHDC 2436
INFO SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
HQ USEUCOM VAHINGEN GE
WHITE HOUSE NSC WASHINGTON DC

UNCLAS GABORONE 001268

SIPDIS

SENSITIVE

AF/S FOR MUNCY

E.O. 12958: N/A

TAGS: PHUM PGOV BC SAN CKGR

SUBJECT: HIGH COURT JAILS LEGAL ADVISOR TO PRESIDENT

REFERENCE: GABORONE 1228, GABORONE 913

1. (U) In a dramatic turn of events, Botswana's High Court jailed for contempt the Special Advisor to the President Sidney Pilane, who is the State's lead counsel in the court case challenging its policy of relocating San and other minorities out of the Central Kalahari Game Reserve. During hearings on Thursday, September 1, Justice Dibotelo ruled a question posed by Pilane to his witness inadmissible. Pilane demanded to know the reason behind this ruling. When Justice Dow advised Pilane to stand while the court addressed him, Pilane declined. She then sentenced Pilane to four days in jail. Pilane spent the week in jail and apologized to the court when hearings resumed on Monday, September 5.

2. (SBU) This intemperate outburst is consistent with Pilane's earlier behavior (Refs A and B). Significantly, however, it also demonstrates that the judges have refused to supinely surrender their authority in view of Pilane's position as Special Advisor to the President. The unwillingness of the executive to intervene and bail out Pilane speaks to its respect for the independence of the judiciary. Although the judges have allowed Pilane to prolong the proceedings on some times flimsy grounds - e.g. the recent trip to Gope (Ref A) -- it cannot be said that the trial has been patently unfair.

3. (U) In a related incident, Botswana's Department of Wildlife and National Parks has restricted access to the CKGR following the reported outbreak of sarcoptic mange among livestock of those who surreptitiously returned to the Reserve. This is not to be confused, however, with the denial of an application by members of First People of the Kalahari to visit the CKGR in early August, which occurred before the outbreak of this contagious disease (Ref A).

BIO NOTE

4. (U) Sidney Pilane became the first Special Advisor to the President in September 2001. In this position, he advises the President, Vice President and other senior officials on legal, administrative and political matters. Previously, Pilane practiced law in Botswana and South Africa from 1997 to 2001. Between 1997 and 1998, Pilane was Chief Director and Special Advisor to the Minister of Justice in South Africa. From 1983 to 1996, Pilane practiced law as a private attorney in Botswana.

5. (U) Pilane received a Bachelor of Laws degree from the University of Botswana and Swaziland in conjunction with the University of Edinburgh in 1983. He later completed a MBA at the University of Botswana in 1994.

6. (U) Pilane had been active in the Botswana Democratic Party (BDP) Youth Wing before competing in a BDP primary for the Kgatleng East constituency prior to the 1999 election. After losing that contest, Pilane left active participation in party politics.

7. (U) Pilane was born on May 31, 1958. He is married and has two children.

8. (SBU) According to a former employee of Pilane's, he

is close to Vice President Khama and, therefore, likely to remain a person of some influence in the next administration.

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